AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/055,865

Filing Date: January 23, 2002

Ie: SYSTEM AND METHOD FOR TRANSPARENT TAKEOVER OF TCP CONNECTIONS BETWEEN SERVERS

#### REMARKS

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This responds to the Final Office Action dated August 31, 2005 and the Advisory Action dated December 2, 2005.

Claim 12 was amended, claims 1-11 and 14-22 were cancelled, without prejudice to the Applicants; as a result claims 12 and 13 are pending in the present application. Applicants reserve the right to file subsequent continuations directed to the subject matter of the cancelled claims.

## **Interview Summary**

Applicants acknowledge and appreciate the phone interview conducted with the Examiner and Applicants' representative, Joseph P. Mehrle, on December 21, 2005. During that interview Applicants clarified that claims 12 and 13 were still allowable if rewritten in independent format, since it appears that this was not noted in the Advisory as it had been in the Final. The Examiner indicated that this was an oversight and that claims 12 and 13 were in fact still allowable if rewritten in independent format.

### Allowable Subject Matter

Claims 12 and 13 were indicated as allowable if rewritten in independent format.

Applicants have incorporated original independent claim 9, original dependent claim 11, and original dependent claim 12 in the newly amended independent claim 12. Claim 13 was not modified and continues to dependent from claim 12; albeit in claim 12's new independent format. Thus, these claims are now in condition for allowance as the Examiner has indicated.

# §103 Rejection of the Claims

These rejections are no longer appropriate because the claims to which the rejections relate have been cancelled from the present application. Accordingly, all that remains in this application are claims that the Examiner has deemed allowable.

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#### **CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

HILARIE K. ORMAN ET AL.

By their Representatives,

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Date  $\frac{12-21-05}{}$ 

Joseph P. Mehrle

Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this day of December, 2005.

Name

Signature